

**Notice of Allowability**

Application No.

10/721,440

Examiner

Dao H Nguyen

Applicant(s)

GOETZ ET AL.

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.


1. ☒ This communication is responsive to 07/15/2004.
2. ☒ The allowed claim(s) is/are 7-19.
3. ☒ The drawings filed on 24 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)  
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 1103  
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material  
5. ☐ Notice of Informal Patent Application (PTO-152)  
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.  
7. ☒ Examiner's Amendment/Comment  
8. ☒ Examiner's Statement of Reasons for Allowance  
9. ☐ Other \_\_\_\_\_

  
David Nelms  
Supervisory Patent Examiner  
Technology Center 2800

### **DETAILED ACTION**

1. In response to the communications dated 11/24/2003 through 07/15/2004, claims 1-19 are active in this application.

### **Acknowledges**

2. Receipt is acknowledged of the following items from the Applicant.
  - a. Information Disclosure Statement (IDS) filed on 11/24/2003 and made of record as Paper No. 1103. The references cited on the PTOL 1449 form have been considered.
  - b. This application is a Divisional of the co-pending Application Serial No. 09/755,935 filed 01/05/2001, now patent No 6,657,300, which is a continuation-in-part of application no. 09/092,065 filed 06/05/1998, now abandoned.

### **Election/Restrictions**

3. Application's election to prosecute the invention of Group I, claims 7-19, drawn to semiconductor devices in the Response to Restriction Requirement filed 07/15/2004, is acknowledged.

Because Applicant did not distinctly and specifically point out the supposed error in the restriction requirement, the election has been treated as an election **without traverse** (MPEP § 818.03(a)).

Claims 1-6 is/are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected group there being no allowable generic or linking claim.

Applicant has the right to file a divisional application covering the subject matter of the non-elected claims.

#### **Examiner's Amendment**

4. An examiner's amendment to the record appears below. Should the changes and /or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.3.12. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee:

This application is in condition for allowance except for the presence of claims 1-6 drawn to invention(s) non-elected without traverse (see above). Accordingly, **claim(s) 1-6 have been cancelled** (MPEP § 821.02).

#### **Allowance**

5. Claims 7-19 are allowed.

The following is an examiner's statement of reason for allowance:

None of the references of record teaches or suggests the claimed light emitting diode comprising (in addition to the other limitations in the claim) a p-type layer, formed over the active layer, having a varying composition and a varying concentration of a dopant.

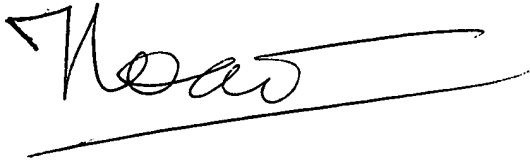
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao Nguyen whose telephone number is (571)272-1791. The examiner can normally be reached on Monday-Friday 9:00am – 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571)272-1787. The fax numbers for all communication(s) is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1625.

A handwritten signature in black ink, appearing to read 'Dao H. Nguyen', with a long horizontal line extending from the end of the signature.

Dao H. Nguyen  
Art Unit 2818  
August 16, 2004

A handwritten signature in black ink, appearing to read 'David Nelms', with a circular flourish at the end.

David Nelms  
Supervisory Patent Examiner  
Technology Center 2800